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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,783	10/30/2003	Lorenzo Baldo	02P18826	7745

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OSRAM SYLVANIA INC
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DANVERS, MA 01923

EXAMINER

HAN, JASON

ART UNIT PAPER NUMBER

2875

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/695,783	Applicant(s) BALDO ET AL.	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1,4,5 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the board in Claims 3-4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 2875

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 1 is objected to because of the following informalities: Claim 1 recites the limitation "fluorescent lamp" in lines 11-14 and 19 of the claim, "the first holder" in line 15 of the claim, and "the second holder" in line 17 of the claim. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

4. Claim 1 is further objected to because of the following informalities: Claim 1 recites a "pin base" for both the incandescent [line4] and fluorescent lamp [line16]. Applicant should distinguish the "pin base" found in line 17 of the claim to elucidate the structural details. Appropriate correction is required.

5. Claims 4-5 are objected to because of the following informalities: Applicant recites the limitation "electrical clamping contacts". There is insufficient antecedent basis for this limitation in the claims. Appropriate correction is required; whereby the examiner has based the following prior art rejections on the best-deemed interpretation.

6. Claim 8 is objected to because of the following informalities: Applicant recites the limitation "two flanks". There is insufficient antecedent basis for this limitation in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112 *CLAIM OBJECTION*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2875

7. Claims 3-4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant recites the limitation "pin base socket", as objected to above in Claim 1, but has not distinguished between the fluorescent or incandescent pin bases. The examiner has based the following prior art rejections on the best-deemed interpretation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Francescutte et al. (WO 99/60672).

With regards to Claim 1, Francescutte discloses an adapter having an integrated ballast and starting arrangement [see Abstract] including:

- A pin base [Figure 3: (14)] for connecting the adapter to a conventional incandescent lamp socket;
- A housing [Figure 3: (1)] for accommodating the integrated ballast and starting arrangement and a concentric attachment [Figure 3: (12)] having a screw base [Figure 3: (13)] being attached thereon, whereby the housing has a substantially cuboidal configuration and lying substantially

within the space enclosed by a annular fluorescent lamp [Figure 3: (2)];
and

- A holder that partially encloses the pin base of the fluorescent lamp, wherein a first holder [Figure 3: (4)] at one end of the housing contains a socket [Figure 3: (8)] for accommodating and making electrical contact with the pin base of the fluorescent lamp and a second holder [Figure 2: (5)] at the other end of the housing having a sliding apparatus [Figure 2: (11)] for locking the annular fluorescent lamp.

9. With regards to Claim 2, Francescutte discloses the housing including a lower part [Figure 2: (7, 10)], an upper part [Figure 2: (6)], and a sliding part [Figure 2: (11)].

10. With regards to Claim 3, Francescutte discloses the ballast and starting arrangement mounted on a board [Figure 3: (14)].

11. With regards to Claim 4, Francescutte discloses the electrical clamping contacts [Figure 3: (19)] of the pin base socket are mounted on a board [Figure 3: (18)] which is electrically connected to the electrical connections of the board [Figure 3: (14)] of the ballast and starting arrangement.

12. With regards to Claim 6, Francescutte discloses the holder with the pin base socket including at least one extension in the form of a hook on the lower part [Figure 2: (7)], as well as the upper part of the housing [Figure 2: (6)].

13. With regards to Claim 7, Francescutte discloses the holder with the sliding apparatus including at least one extension in the form of a hook on the lower part of the

Art Unit: 2875

housing [Figure 2: (10)], as well as the sliding part having at least one extension in the form of a hook resting on the upper part of the housing [Figure 2: (11)].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Francescutte et al. (WO 99/60672) as applied to Claim 1 above.

Francescutte discloses the claimed invention as cited above, except for the electrical clamping contacts of the pin base socket being mounted on the board of the ballast and starting arrangement. It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrate the clamping contacts onto the same board as the ballast and starting arrangement, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). In this case, elimination of parts could simplify manufacturing and provide a more compact device with less components.

15. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francescutte et al. (WO 99/60672) as applied to Claim 7 above, and further in view of Chamba (U.S. Patent 6748986).

Art Unit: 2875

16. With regards to Claim 8, Fransecutte discloses the claimed invention as cited above, but does not specifically teach the sliding part having a U-shaped cross section having in each case one rib which extends in the longitudinal direction of the base housing, close to the free ends of two flanks on the sliding part, the rib engaging in a corresponding groove on the inside of the side walls of the base lower part.

Chamba teaches a sliding mechanism wherein a sliding part [Figure 1: (32)] having a U-shaped cross section includes a rib, which extends in the longitudinal direction of a housing [Figure 1: (21)], on the free ends of two flanks [Figure 1: (34)], whereby the rib further engages a corresponding groove [Figure 1: (23B)] on the sidewalls of the housing.

It would have been obvious to modify the adapter of Fransecutte to incorporate the sliding mechanism of Chamba in order to provide friction on the sliding part of the lamp holder. Doing so would ensure greater safety to the lamp via prevention of the sliding part moving too easily. With respect to the corresponding grooves being disposed on the inside surface of the housing, it has been held that rearranging parts of an invention involves only routine skill in the art (*In re Japiske*, 86 USPQ 70), wherein the sliding mechanism of Fransecutte in view of Chamba is considered functionally equivalent.

17. With regards to Claim 9, Fransecutte in view of Chamba discloses the claimed invention as cited above. In addition, Chamba teaches the sliding part having on the two flanks a locking part in the form of a rectangular section [Figure 2: (33)] that is cut

Art Unit: 2875

out of the flank wall and is fixedly connected to the flank wall only on the side remote from the housing/base lower part.

18. With regards to Claim 10, Fransecutte in view of Chamba discloses the claimed invention as cited above. In addition, Chamba teaches the locking part having projections in the form of saw teeth [Figure 3: (33)] that engages corresponding saw teeth disposed on the housing/base lower part [Figure 3: (23B)].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 3673402 to Weiss;

US Patent 4161020 to Miller;

US Patent 4278911 to Metoff;

US Patent 4406969 to Haraden;

US Patent 4410834 to Witte;

US Patent 4454451 to Metoff;

US Patent 5236157 to Reggiani;

US Publication 20040234179 to Chen.

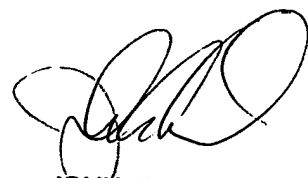
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (2/25/2005)



JOHN ANTHONY WARD
PRIMARY EXAMINER